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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[3 February 1994]

Situation of human rights in Peru

1. The International Federation of Human Rights (FIDH) and its affiliate, the Asociación Pro Derechos Humanos (APRODEH), are of the opinion that, despite some improvement in the statistics for the internal war being waged in Peru, the situation in that country continues to be one of the most serious and violent in Latin America. In 1993 there were 87 reported cases of arrest and disappearance, of which 60 have still to be clarified. Although the numbers are considerably lower than in 1992 (386 cases), the situation remains alarming. In 1993 a total of 1,289 incidents involving armed groups were recorded, 336 fewer than the 1,625 recorded in 1992. The number of victims of political violence, however, remained high. There were 1,021 deaths and 745 people were injured; of those who died 868 were members of the security forces and civilians, while 153 were subversives. Of the injured, 734 are members of the security forces and civilians while 11 are subversives.

2. This decline in casualties is due to decreased activity on the part of the armed groups Sendero Luminoso and Movimiento Revolucionario Tupac Amaru (MRTA) rather than to any significant overall change in the approach or practice of the State. In September 1992 Abimael Guzmán Reinoso was arrested, along with other leaders of the Sendero Luminoso. Arrests of the movement's top commanders continued in 1993. An even more serious reverse was suffered by the MRTA, almost all of whose leaders are behind bars. This organization saw its front-line forces decimated by arrests or the surrender of its conscripts to the army.

3. Starting in September 1993, a series of letters from Abimael Guzmán Reinoso to President Fujimori, calling for the opening of peace negotiations, were made public. In its campaign for the referendum on a new constitution the Government sought to claim that these letters proved the success of its counter-insurgency strategy. It seems fairly clear that there is also a debate over the contents of the letters within Sendero Luminoso itself; what is quite certain, however, is that, while most Sendero Luminoso prisoners fell in with their leader's position, subversive activity continued, and even increased in December, despite the fact that there was not a single public indication of a serious split within the ranks of Sendero Luminoso. A total of 36 subversive incidents were recorded in November and 43 up until 28 December.

4. While the Government declares that the activity of subversive groups is practically at an end, the facts seem to point in a different direction: the militarization of Peruvian society has not halted or slackened, but continues its course. In a recent press article Enrique Bernales, a former senator and former Chairman of the Commission on Human Rights, summed up the situation in the following question: "If violence is decreasing ... why are more emergency zones being declared? Other questions that could be asked are why arbitrary arrests, disappearances and extrajudicial executions are still taking place; why the essentials of anti-terrorist legislation which violates elementary principles such as the right of due process are still in force; and why there is still impunity for the military in cases of proven responsibility for flagrant violations of human rights.

5. At the end of April 1993 the country was shocked by a statement from General Rodolfo Robles, Chief of Staff, revealing that within the Peruvian army there was an operational group specializing in undercover operations, which was responsible for various cases of disappearances and extrajudicial executions. His statement merely confirmed earlier claims made in various publications put out by secret groups of army officers. According to these varied sources the operational group was at the very least responsible for the following incidents:

(a) The abduction and disappearance of nine students and one professor of the Universidad Nacional de Educación - La Cantuta on 18 July 1992;

(b) The killing of 16 people, including a five-year-old boy, in Huanta St., Barrios Altos, Lima, in 1991;

(c) The abduction and disappearance of Pedro Yauri, a journalist working for Radio Universal (Huacho), on 24 June 1992;

(d) The abduction and disappearance of nine people from various parts of the village of Santa, Ancash, on 2 May 1992;

(e) The abduction and disappearance of 30 students of the Universidad Nacional del Centro during the last two years. Also, according to the journal Caretas, the group was responsible for the abduction and disappearance, in Tingo María, Huánuco, in April 1989, of Guillermo Segundo López Salazar, a journalist, who had exposed links between members of the army and drug traffickers.

General Robles' statement indicated that the group was led by Major Santiago Martín Rivas, who answered to the presidential adviser Vladimiro Montesinos and to Generals Juan Rivero Lazo and Luis Pérez Documet and operated with the full approval of General Nicolás de Bari Hermoza, Commander-in-Chief of the Army.

6. These statements were taken up by human rights organizations, the independent communication media and opposition members of parliament, but were strenuously denied by the Government and its spokesmen. Indeed, a report concerning the La Cantuta case absolving the military from all responsibility was approved by the official majority in Congress. At the same time army tanks came out on to the streets to demonstrate support for General Hermoza and scare off any move to investigate the cases reported. The discovery of mass graves (Cieneguilla and "La Atarjea"), however, in which the bodies of those disappeared in the La Cantuta case were buried, gave events a new turn. Gradually the pressure of national and international public opinion, and the incontrovertibility of the discoveries, led the Government to recognize that the matter could justifiably be examined by the military courts, on the grounds that it related to an operational offence. An argument is currently taking place before the country's Supreme Court over who should try the case. Although Judge Carlos Magno Chacón has been strongly challenged as being implicated in the acquittal of drug traffickers and as having likely connections with the National Intelligence Service, he has been put in charge of the case. He stood as a candidate in the latest municipal elections as part of a group supporting the Fujimori Government.

7. Following the reports by human rights organizations the United States Congress drew up a list of the 12 principal cases of human rights violations that could be laid at the door of the armed forces or the police: the prison massacre, the Cayara massacre, the murder of the journalist Bustíos, the murder of the lawyer Fernando Mejía E., the murder of four peasants in Vilcashuamán and 16 in Iquicha, the abduction and disappearance of four community members in Chuschi, the murder of three students in Callao, the murder of two prisoners at a police station in Cusco-Chumbivilcas, the massacre in Santa Bárbara, the killings in Barrios Altos, and the arrest, disappearance and murder of at least 30 students in the city of Huancayo. These cases, together with the La Cantuta case of 1992, make up what could well be called the impunity list. In the majority of these cases there has not even been any open investigation process, while in others the investigation ended without any indication of who was responsible; and as and when any sentence was imposed by the military or police authorities it was scandalously lenient or was restricted to lower-ranking personnel.

8. Following the coup d'état of 5 April 1992 a series of laws were passed, making up a body of anti-terrorist legislation which clearly ran counter to a whole range of universal legal standards such as the right of due process. Minor amendments introduced in 1993 did nothing to alter this basic characteristic. The number of arbitrary arrests in Peru has risen. Supervision by the government procurator's office has been reduced to a minimum, with the investigation process basically being carried out by the police and the armed forces. Persons accused of terrorism are tried by military courts where defence lawyers - if any - are denied the most basic conditions for carrying out their work. Convictions are imposed with great speed and the provision permitting people under 18 to be tried for terrorist offences (or "treason to the fatherland") still stands.

9. In this context, the Repentance Act brought in by the Government is an instrument not to create peace but to extend repression indiscriminately. The Act encourages any prisoner to inform on innocent people in exchange for his own freedom. The torture and rape of prisoners are still routinely carried out by the forces of law and order. The daily newspaper La República of 31 October 1993 reported an accusation by two university students, the brothers Luis Alberto and Luis Fernando Cantoral Benavides. In March 1993 the Attorney-General of the Nation ordered a junior prosecutor to charge Major Coquis Cox with the torture of 12 peasants in San Ignacio. To date the matter has not been settled, but the major has been promoted.

10. As an indication of the fact that in 1993, despite the fall in the number of victims of repressive State violence, military activity which violates human rights is still taking place, we set out some recent cases below:

At least nine people from the village of Angasmarca, Santiago de Chuco, La Libertad, were killed by a military patrol in the first week of March 1993;

On 12 October 1993 an army patrol from Antabamba carried out a joint operation in Apurímac with members of the Pachaconas Civil Defence Committee. They arrested and tortured six people in Habas Corral: Jaime Rolando Velásquez Alarcón was found dead with signs of torture and various mutilations;

In August 1993 Teófilo Núñez Quispe was abducted and disappeared in Huancayo after applying for a writ of habeas corpus against the General who is Police Chief following the disappearance of his brother, Camilo. The family has accused members of the Regional Intelligence Office of responsibility for this.

11. In the light of the foregoing, we consider that the Peruvian Government should continue to be denounced to the international community for systematic violations of human rights, and we urge the Commission to establish a procedure that could be applied to this situation under agenda item 12.